

January 3, 2003

## TIME AND ATTENDANCE FOR PART-TIME PHYSICIANS

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive reiterates existing policy on time and attendance for part-time Title 38 physicians, and provides advice on tailoring existing employment, contracting and other authorities to the anticipated role of these physicians. **NOTE:** *The particular arrangement needs to be customized to meet local needs, while recognizing the professional values of physicians (see Att. A).*

**2. BACKGROUND:** The following definitions apply throughout this Directive:

a. **Adjustable Work Hours.** A program to accommodate varying Department of Veterans Affairs (VA) patient care needs and part-time VA physicians who have VA or non-VA patient care, research or educational responsibilities that make adherence to the same regularly scheduled tour of duty every pay period difficult. Part-time physicians with fixed work requirements and those who do not routinely need to adjust their tours should not be on adjustable work hours.

b. **Administrative Workweek.** Sunday through the following Saturday.

c. **Biweekly Work Requirement.** For part-time physicians on adjustable tours of duty, it is the total number of core and non-core hours that an employee is scheduled to work each pay period or otherwise account for by leave or excused absence.

d. **Core Hours.** Core hours are the days and times in the biweekly pay period when the employee must be present unless granted an appropriate form of leave or excused absence.

e. **Non-core Hours.** Non-core hours are scheduled hours that may be adjusted at the request of an employee provided such an adjustment is consistent with VA patient care requirements.

f. **Present.** Part-time employment and adjustable work hours (both core and non-core time) require employees to be “present” unless they are in an approved leave status. The term “present” does not mean physicians must be physically present at the facility during such hours; however, they must be engaged in VA work (e.g., meetings at the affiliate involving VA business or conducting VA research at approved alternate research sites).

g. **Tours of Duty.** Tours of duty are the specific days and times during the biweekly pay period that employees are scheduled to work or otherwise account for. Tours of duty are based on VA patient care and other work requirements and are to be scheduled in advance of the administrative workweek.

**3. POLICY:** It is VHA policy that physician services must be procured through the employment or contracting authority that best suits their anticipated utilization (see Att. A). Part-time physicians whose non-VA patient care, research or academic duties routinely make it difficult for them to adhere to a regular tour of duty every pay period may be authorized to work

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adjustable work hours provided the total work requirement in each biweekly pay period is met and adjustments do not interfere with VA's ability to meet its patient care and other VA work requirements. **NOTE:** *Policies and procedures on adjustable work hours may be found in the references cited in following subparagraph 4a(5).* **Authority:** *Title 38 United States Code (U.S.C.) Sections 7421 and 7304.*

### 4. ACTION

a. **Medical Center Directors and Chiefs of Staff.** Medical center directors and Chiefs of Staff are responsible for:

(1) Ensuring that all VHA management officials, supervisors and employees meet their responsibilities and commitments to VA with respect to time and attendance.

(2) Establishing policies and procedures to implement and monitor compliance with this directive. In doing so, facility Directors must meet any local labor-management responsibilities.

(3) Ensuring part-time physicians are made aware of their responsibilities with respect to VA time and attendance procedures, and for taking corrective action if necessary.

(4) Enlisting the cooperation of affiliate officials in the implementation of VA time and attendance policies and procedures.

(5) Ensuring that this directive is applied in conjunction with VHA policies and procedures in VA Handbook 5011, Part II, Chapter 3, Entitled "Establishment of Workweeks, Tours of Duty, and Work Schedules for Employees Appointed to Title 38 Positions" and Appendix II-A, "Prescheduled Part-Time Tours and the Utilization of Adjustable Work Hours (Title 38)." It is also to be applied in conjunction with Department of Veterans Affairs (VA) time and attendance procedures in VA Manual MP-6, Part V, Supplement 2.2, Chapter 1, entitled "Time and Leave and Coding of Time and Attendance Reports." **NOTE:** *These issuances may be located in VA Handbook 5011, and MP-6, part V, Supplement 2.2, Chapter 1.*

(6) Ensuring that time and attendance training is provided to all new timekeepers and supervisors.

b. **Medical Center Director.** The medical center director, or designee, must ensure that the following actions have been taken by March 31, 2003:

(1) The policies and procedures referred to in subparagraph 4a(2) are developed. In situations where documentation of time and attendance are difficult, facilities may develop alternative mechanisms to ensure part-time physicians are fulfilling their required work hours. These may include such things as logging on computer terminals or reporting to supervisors on duty.

(2) The types of appointment and tours of duty given to each physician are reviewed. It must be decided whether such appointments and tours of duty meet the needs of VA, including VA patient care and other work requirements.

(3) The responsibilities outlined in preceding subparagraph 4a(4) are met.

(4) The Network Director is advised whether the actions described in subparagraphs 4b(1), 4b(2) and 4b(3) have been accomplished.

c. **Service Chiefs, Product Line Managers, and Other Supervisors.** Service Chiefs, Product Line Managers, and other Supervisors are responsible for:

(1) Reaching and maintaining current written agreements with employees concerning VA's expectations and the employee's responsibilities, including, where appropriate, agreements on the amount of time allotted for clinical, administrative, research and educational activities.

(2) Establishing employee work schedules and adjusting those schedules to meet patient care and other work requirements. This includes adjusting work schedules to accommodate employees' needs, provided the adjustments do not adversely affect the care and treatment of VA patients. All physicians are to have scheduled tours of duty established in advance of the biweekly pay period, with the days and times specified in writing. For part-time physicians on adjustable work hours, these tours shall include core-time and adjustable work hours. Tours may be modified before or during the pay period consistent with patient care requirements; however, modifications are to be requested in advance (except in medical emergencies), approved by the employee's supervisor in writing and communicated to the unit timekeeper as soon as possible.

(3) Monitoring employee compliance with the provisions of this directive, any applicable facility policies, and the written agreement established under preceding subparagraph 3b(1), and for taking or initiating corrective action if necessary.

(4) Communicating work schedules and changes to those work schedules to employees and unit timekeepers as soon as practicable.

(5) Certifying the accuracy of the VA Form 5631a, Subsidiary Time and Attendance Report-Part-Time Physicians, and the VA Form 5631, Time and Attendance Report, or the electronic equivalent.

(6) Ensuring that during orientation, service chiefs, product line managers, and other supervisors advise part-time physicians of their responsibilities to VA, including their responsibilities with respect to time and attendance (see subpar. 4b).

(7) Periodically reassessing whether employees are appropriately utilized. For example, numerous requests to modify work schedules or requests for leave could indicate the employee's work schedule or appointment should be modified.

d. **Part-time Physicians.** Part-time physicians are responsible for knowing and complying with VA policies and procedures on time and attendance and for fully meeting their professional commitments to VA.

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e. **Employee Accounts.** The VHA management official responsible for the Employee Accounts Section is responsible for ensuring desk audits of all timekeepers are conducted on a semiannual basis and more frequently where indicated. **NOTE:** *See VA Manual MP-6, Part V, Supplement 2.2, Chapter 1, subparagraph 102.01(b)(3).*

f. **Timekeepers.** The responsibilities of timekeepers are outlined in VA Manual MP-6, Part V, Supplement 2.2, Chapter 1, subparagraph 102.04(b).

### 5. REFERENCES

- a. Title 38 U.S.C. Sections 7421 and 7304.
- b. VA Handbook 5011, Part II, Chapter 3.
- c. VA Handbook 5005, Part II, Section A, Chapter 3, Paragraph 3.
- d. VA Manual MP-6, Part V, Supplement 2.2, Chapter 1.

**6. FOLLOW-UP RESPONSIBILITY:** The Office of Management Support (10A2) is responsible for the content of this Directive. Questions may be referred to (202) 273-8910.

**7. EXPIRATION DATE:** This VHA Directive expires January 31, 2008.

Robert H. Roswell, M.D.  
Under Secretary for Health

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ATTACHMENT A

**UTILIZATION OF PART-TIME EMPLOYEES**

**1. EMPLOYMENT AUTHORITIES**

a. **Part-Time Appointments.** When there is insufficient demand to employ physician specialists on a full-time basis, such individuals may be appointed on a part-time basis under Section 7405(a)(1)(a) of Title 38, United States Code. Part-time appointments normally imply regularly scheduled tours of duty that do not significantly change from one pay period to another. However, part-time physicians should be placed on adjustable work schedules if they have VA or non-VA patient care, research or educational responsibilities that make adherence to regularly scheduled tours of duty impractical. It is important to note that part-time appointments are only appropriate in situations where the physician's duties and responsibilities are to be performed at the VA facility, regardless of whether the tour is fixed or adjustable. In situations, where the physician's presence at the VA facility is not required (e.g., on-call), other types of appointments or a mix of appointments may be more appropriate.

b. **Other Appointments**

(1) **Intermittent Appointments.** Employees may be appointed on an intermittent basis when demand for their services varies over time. The advantage is that periods of employment may be tailored to varying needs for services. The drawback is that intermittent employees are not entitled to special pay or employee benefits. Intermittent appointments also presume the services are provided at the VA facility. Employees are only compensated when they provide services, they are placed on the applicable grade and rate of pay on the Physician and Dentist Pay Schedule, and pay for such positions is limited to the rate of basic pay for Level V of the Executive Schedule, \$125,400, as of January 12, 2003.

(2) **Fee Basis Appointments.** Employees may be appointed on a fee basis when the demand for services varies over time and fees can be tailored to the type of service provided. For example, employees may be appointed on a fee basis to provide on-call coverage. Employees on these types of appointments are not eligible for special pay or benefits, and the rate of pay for such positions is limited to the rate of basic pay for Level V of the Executive Schedule, \$125,400, as of January 12, 2003. Care must also be exercised with these appointments, as facilities are also responsible for ensuring employees provide the services for which they are compensated and that procedures are not generated solely for the purpose of generating fees. Fee basis appointments are also based on the employee providing specific services. This may be a problem in that fee basis employees would not generally be available to perform administrative tasks otherwise be performed by part-time employees (e.g., peer review, attendance at meetings).

(3) **Dual Appointments.** Individuals may be given more than one of the above appointments if that is the best way to secure the employee's services. However, the expectations concerning time and attendance need to be clear and, if fee basis is involved, the facility needs to ensure the services are actually being provided or that procedures are not generated solely for the purpose of generating fees. The rate of basic pay and fees payable to such individuals is limited to the

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rate of basic pay for Level V of the Executive Schedule, \$125,400, as of January 12, 2003. Additional information about dual employment may be found in [VA Handbook 5005, Part II, Section A, Chapter 3, paragraph 3b.](#)

### **2. CONTRACTING AUTHORITY**

Section 8153 of Title 38, United States Code, authorizes facilities to enter into commercial items contracts to purchase clinical services from affiliated medical schools or other commercial providers. Contracts can be sole source awards for staff from affiliated medical schools or awarded competitively. Such contracts may be procedure based, with Medicare rates the benchmark for procedure prices, or, in limited circumstances, it may be more appropriate to base such contracts on an hourly rate (such as when purchasing emergency room coverage for a specific period of time). Contracts may also be based on specified deliverables (such as completion of a quality assurance review). Contract employees are not subject to the pay limitations placed on VA employee salaries; however, utilization of hourly or procedure-based contracts presents the same problems identified above (monitoring time and attendance, monitoring necessity of procedures, and the inability to use contract employees for duties performed by VA employees). Additional information concerning negotiating non-competitive clinical services contracts may be obtained from [VHA Directive 99-056](#), dated November 12, 1999. New policy on procuring clinical services under Section 8153 will be issued in the spring.